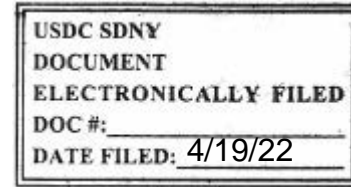


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Barffour Abeberse,

Defendant.

15-cr-95 (AJN)

ORDER

ALISON J. NATHAN, Circuit Judge, sitting by designation:

The Court is in receipt of the Defendant's letter renewing his request that this Court credit the time he spent in federal custody between April 27, 2016, and October 16, 2017. *See* Dkt. No. 3319. For the reasons stated in the Government's letters, Dkt. Nos. 3325, 2375, the Court DENIES the Defendant's request to issue an order crediting his time in federal custody between April 27, 2016 and October 16, 2017. That determination must be made by the BOP. *See United States v. Pineyro*, 112 F.3d 43, 45 (2d Cir. 1997).

However, the Court recommends to BOP that it consider whether it made an error in calculating the Defendant's time in federal custody. For example, the Government's letter notes that it is possible BOP made an error in calculating the Defendant's sentence to begin running on October 17, 2017, rather than August 24, 2017, when this Court sentenced the Defendant. *See* Dkt. No. 3325 at 2 n.1.

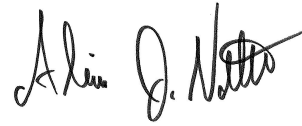
The Government is ORDERED to serve a copy of this Order on legal counsel for the Bureau of Prisons on or before May 3, 2022.

The Clerk of Court is respectfully directed to mail a copy of this memo endorsement to the Defendant and to note that mailing on the public docket.

This resolves Dkt. No. 2252.

SO ORDERED.

Dated: April 19, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written in a cursive style.

ALISON J. NATHAN
United States Circuit Judge
Sitting by Designation